

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

BPP INDEPENDENCE FAYETTEVILLE, )  
LLC and BPP INDEPENDENCE PRINCE )  
GEORGE, LLC )

Plaintiffs, )

v. )

INDEPENDENCE PLACE WEST )  
FAYETTEVILLE, LLC, and )  
INDEPENDENCE PLACE JEFFERSON )  
PARK, LLC )

Defendants. )

**AMENDED JUDGMENT**

No. 5:20-CV-212-FL

**Decision by Court.**

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the plaintiff's motion for summary judgment, defendants' motion for summary judgment and plaintiffs' motion to strike.

**IT IS ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered May 27, 2022, and for the reasons set forth more specifically therein, it is ordered that defendants' motion for summary judgment is GRANTED. Escrow agent Fidelity National Title Insurance shall deliver within 14 days, the \$1,000,000 deposit together with interest accrued thereon to the Clerk of Court, pursuant to Rule 67(a) of the Federal Rules of Civil Procedure. The clerk is ordered to receive those funds into the clerk's registry, subject to further order of this court.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** in accordance with the court's order entered July 7, 2022 that the clerk of court is DIRECTED to disburse said funds totaling \$1,005,513.70 to defendants as follows: Independence Place West Fayetteville, LLC, the sum of \$502,756.85, by U.S. Mail delivered to: Independence Place West Fayetteville, LLC, Attn: Cecil M. Phillips, Manager, 945 East Paces Ferry Road, NE, Suite 2650, Atlanta, Georgia 30326 and Independence Place Jefferson Park, LLC, the sum of \$502,756.85, by U.S. Mail delivered to: Independence Place Jefferson Park, LLC, Attn: Cecil M. Phillips, Manager, 945 East Paces Ferry, Road, NE, Suite 2650, Atlanta, Georgia 30326

**This amended judgment Filed and Entered on July 7, 2022, and Copies To:**

Jim W. Phillips, Jr. / Walter L. Tippet, Jr. / William Otis Walker, IV (via CM/ECF Notice of Electronic Filing)

Kelly C. Hanley / Gilbert C. Laite, III (via CM/ECF Notice of Electronic Filing)

July 7, 2022

PETER A. MOORE, JR., CLERK

/s/ Sandra K. Collins  
(By) Sandra K. Collins, Deputy Clerk